

Service Date: April 8, 1991

DEPARTMENT OF PUBLIC SERVICE REGULATION  
BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MONTANA

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IN THE MATTER of the Application	)	UTILITY DIVISION
of the City of Great Falls, a	)	
Municipality, for Authority to	)	DOCKET NO. 90.10.66
Establish Increased Rates for	)	
Sewer Service.	)	ORDER NO. 5522I

ORDER GRANTING IN PART AND DENYING IN  
PART THE MOTION OF MONTANA PEOPLES' ACTION  
TO LIFT THE PROTECTIVE ORDERS 5522f AND 5522h

On March 14, 1991, Montana Peoples' Action (MPA) filed a motion challenging Protective Orders 5522f and 5522h. On March 21, 1991, Envirotech Operating System (EOS) filed a response to said motion. On April 1, 1991, MPA filed its reply brief.

MPA alleges that the financial and rate structuring data covered by these orders is not entitled to trade secret status since such information relates to the pricing of EOS's sewer treatment services to the City of Great Falls (City) and, because this information is relevant to the instant rate case, it should be available to the public. MPA also argues that information provided to the City by EOS qualifies as a public records.

The Commission recognizes that Article II, Section 9 of the Montana Constitution establishes a right to know vis-a-vis documents in the possession of a public body. Since the Commission does not have the jurisdiction to affect the public's right of

access to documents in the City's possession prior to the issuance of the protective orders, the Commission hereby determines that Protective Orders 5522f and 5522h have no application to that data and information that was in the City's possession prior to February 14, 1991, and February 28, 1991, respectfully.

To the extent of information provided to parties under the terms of Protective Orders 5522f and 5522h, the protective orders will remain applicable since MPA has failed to establish that such information is not proprietary.

The parties to Protective Orders 5522f and 5522h shall not disclose or use the information and data subject to this Order for a period of seven (7) days after the service date so that EOS may be afforded a reasonable opportunity to seek a stay or other appropriate relief.

DONE AND DATED this 5th day of April, 1991 by a vote of 4-0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

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HOWARD L. ELLIS, Chairman

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DANNY OBERG, Vice Chairman

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BOB ANDERSON, Commissioner

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WALLACE W. "WALLY" MERCER, Commissioner

ATTEST:

Ann Peck  
Commission Secretary

(SEAL)

NOTE: Any interested party may request the Commission to reconsider this decision. A motion to reconsider must be filed within ten (10) days. See 38.2.4806, ARM.